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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/769,932

02/02/2004

Roy Ritter

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EXAMINER

NGUYEN, CHI Q

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

05/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/769,932	Applicant(s) RITTER ET AL.	
	Examiner Chi Q. Nguyen	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>attachment</u> . |

DETAILED ACTION

This Office action is in response to the applicant's patent application filed on 2/2/2004.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121.

- I. Claims 1-9, drawn to a screen system classified in class 285.
- II. Claims 10-11, drawn to apparatus of a ventilation system, classified in class 454.

The inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP 806.04, MPEP 808.01).

In the instant case, the different inventions of claims in group II could be made without a fan for a screen system.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purpose as indicated is proper.

During a telephone conversation with Mr. Mark Hull on 5/3/2007 a provisional election was made without traverse to prosecute the invention of group I, claims 1-9. Affirmation of this election must be made by applicant in replying to this Office action. Claims 10-11 withdrawn from further consideration by the examiner as being drawn to a nonelected invention.

Specification

The disclosure is objected to because of the following informalities: page 4, paragraph [0019], line 7, "IN" should be -In--.

Appropriate correction is required.

Claim Objections

Claim 7 is objected to because of the following informalities: a citation "the digit of a user" does not have antecedent basis. Appropriate correction is required.

Claim 9 is objected to because of the following informalities: a citation "where said engagement..." should read --wherein said engagement--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,879,232 to Luter, II et al.

Claim 1:

Luter discloses a screen system comprising a screen 16, a frame H (see attachment of Fig. 1) supporting said screen, said frame including a hook 52, and a housing 12 for supporting said frame when said screen system is assembled, said housing defining a retainer 50 which interacts with said hook whereby upon rotation of said frame in a first direction said hook engages said retainer and upon rotation of said frame in a second direction said hook disengages said retainer allowing disassembly of said screen system (col. 7, lines 1-5 and Fig. 1)

Claim 2:

Wherein said hook is integrally formed with said frame.

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Claim 4:

Wherein said retainer is a depression within said housing (see Fig. 1).

Claim 5:

Wherein said housing defines a seat 32 which supports said frame when said screen system is assembled, said seat defining an aperture 28 for the passage of said hook whereby during assembly of said screen system said hook passes through said aperture.

Claim 7:

Wherein said frame further comprises an engagement surface E (see attachment of Fig. 1) for a digit of a user, allowing the frame to be easily rotated.

Claim 8:

Wherein said engagement surface is a depression located on a side of said frame opposite said hook since a shape of a screen 16 is somewhat round on the peripheral edge frame (see Fig. 1).

Claim 9:

Wherein said engagement surface is adjacent to said hook (see Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent No. 5,879,232 to Luter, II et al. in view of US Patent No. 5,791,985 to Schiedegger et al.

Claim 3:

Luter discloses basic structures for screen system and further including wherein said hook comprises a first arm section F (see attachment of Fig. 1) generally perpendicular to said frame, a second arm section S integral with said first arm section and generally parallel to said frame but does not disclose a finger extending from said second arm section for engaging said retainer on said housing. Schiedegger discloses a modular soffit vent comprising a screen 104 having fingers 123 for engaging openings 116 (see Figs. 14-16). At the time of the invention was made, it would have been obvious to modify Luter's hook to have finger for a better engagement with a housing thus preventing a device falling apart.

Claim 6:

Luter discloses basic structures for screen system as stated but does not disclose expressly wherein said frame includes four hooks and said housing includes at least four retainers. However, this feature would have been a matter of obvious design choice to one of ordinary skill in the art at the time the invention was made to have at least four hooks and four retainers for a better securement. Furthermore, applicant has not disclosed the criticality of this feature.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached at (571) 272-6842.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

CQN

5/10/2007

Don D. Keith
examined
3/26/07
5/14/07

